Re:

Response to Office Action Mailed June 29, 2006

Serial No.:

10/789,859

Filing Date: February 27, 2004

II. Remarks

The Office Action stated that the application contains claims directed to the following patentably distinct species:

Species I – Figures 1-15;

Species II – Figures 16-23;

Species III – Figures 24-33; and

Species IV – Figures 34-40.

The Office Action also stated that the species are independent or distinct because the field of search for one species is not required for another.

In addition, the Office Action stated that Applicants are required under 35 U.S.C. § 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claims is finally held to be allowable. Further, the Office Action stated that should Applicant elect Species III, then Applicant is further required to elect one of the follow subspecies:

Subspecies A – Figures 25-32; and

Subspecies B- Figure 33.

The Office Action stated that currently no claim appears to be generic.

In response to the restriction requirement, Applicants elect without traverse Species III, Subspecies A, which includes Figures 24-33 (please note that Species III includes Figures 24-33, thus Subspecies III (A) should include Figures 24-32 and not Figures 25-32 as stated in the Office Action). Applicants believe that Claims 1-29 are readable upon Species III, Subspecies A, which includes Figures 24-33.

Re:

Response to Office Action Mailed June 29, 2006

Serial No.:

10/789,859

Filing Date: February 27, 2004

Claims Amendments

Please note that Applicants amended Claims 1, 4, 5, 7, 10, 11, 14, 15, 17 and 20-22 to further clarify, more clearly define and/or broaden the claimed invention, and expedite receiving a notice of allowance. Pursuant to 37 C.F.R. § 1.121, no new matter is introduced by these amendments.

CONCLUSION

The undersigned has made a good faith effort to place the claims in condition for immediate allowance. Nevertheless, if any further impediments to allowance of this application remain, the Examiner is cordially invited to contact the undersigned by telephone so that these remaining issues may be promptly resolved.

;.

Re:

Response to Office Action Mailed June 29, 2006

Serial No.:

10/789,859

Filing Date:

February 27, 2004

The Commissioner is authorized to charge payment of any additional fees associated with this communication, which have not otherwise been paid, to Deposit Account No. 23-3178. If any additional extension of time is required, which have not otherwise been requested, please consider this a petition therefore and charge any additional fees that may be required to Deposit Account No. 23-3178.

Respectfully submitted,

Dated: June 10, 2006

Richard C. Gilmore Registration No. 37,335 Attorney of Record

Customer No. 22,913

WORKMAN NYDEGGER 1000 Eagle Gate Tower 60 East South Temple Salt Lake City, Utah 84111 Telephone: (801) 533-9800

Facsimile: (801) 328-1707 E-mail: rgilmore@wnlaw.com

g:\wpdocs3\rcg\lifetime products inc\450.2 response to restriction requirement.doc